

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18754. Statements of Economic Interests (Members of Boards or Commissions of Newly Created Agencies); When and Where to File.

(a) Applicability:

(1) Pursuant to Government Code section 87302.6, a member of a governing board or commission of a newly created agency shall disclose his or her economic interests pursuant to Government Code sections 87202 through 87210. This requirement applies until such time as the member is included in an approved conflict of interest code in effect for the governing board or commission of which he or she is a member.

(2) For purposes of Government Code section 87302.6, "newly created agency" means any state agency or local government agency, as defined in Government Code sections 82003, 82041, and 82049, which has come into existence on or after January 1, 2003.

(3) A member of a governing board or commission of a newly created agency; is not subject to this regulation if subsection (A), (B), (C) or (D) of subdivision (a)(3) of this regulation applies:

(A) The member also holds a position specified in Government Code section 87200 and the geographical jurisdiction of the newly created agency is the same as or is wholly included within the jurisdiction in which the member must report his or her economic interests pursuant to article 2 of chapter 7 of this title, Government Code sections 87200 et seq.

(B) The member is also designated in a conflict of interest code for another agency and all of the following apply:

(i) The geographical jurisdiction of the newly created agency is the same as or is wholly included within the jurisdiction of the other agency;

(ii) The disclosure assigned to the member in the code of the other agency is the same as that required under article 2 of chapter 7 of this title, Government Code sections 87200 et seq.; and

(iii) The filing officer is the same for both agencies.

(C) The newly created agency was formed as a result of the merger of two or more agencies and all of the following apply:

(i) The member served on the governing board or commission of an agency abolished in the merger in substantially the same capacity as the member will serve on the governing board or commission of the newly created agency;

(ii) The geographical jurisdiction of the newly created agency is the same as the jurisdiction of the abolished agency; and

(iii) The member was previously subject to the same disclosure as required for persons listed in Government Code section 87200.

(D) The board or commission does not possess decisionmaking authority as defined in 2 Cal. Code Regs. section 18701(a)(1).

(b) When to file:

(1) Assuming Office Statements of Economic Interests:

(A) Every member of a governing board or commission of a newly created agency that has come into existence on or after January 1, 2003, but prior to the effective date of this regulation, shall file an assuming office statement within 30 days from the effective date of this regulation.

(B) Except as provided in subdivision (b)(1)(A) above, every member of a governing board or commission of a newly created agency shall file an assuming office statement not more than 30 days after assuming office or, if his or her nomination or appointment is subject to State Senate confirmation, not more than 10 days after being nominated or appointed to office.

(2) Annual Statements of Economic Interests:

(A) Every member of a governing board or commission of a newly created agency shall, no later than April 1 of each year, file an annual statement.

(B) Every person who assumes office as a member of a governing board or commission of a newly created agency between October 1 and December 31 and files an assuming office statement pursuant to this section need not file his or her first annual statement until one year later than the date applicable under subsection (b)(2)(A), above.

(3) Leaving Office:

(A) Every person who leaves his or her position as a member of a governing board or commission of a newly created agency shall, within 30 days after leaving office, file a leaving office statement.

(B) If a person leaves his or her position as a member of a governing board or commission of a newly created agency between January 1 and the filing deadline for his or her annual statement of economic interests, the person's leaving office statement may serve as his or her annual statement if, prior to the filing deadline for the annual statement, the person notifies the filing officer in writing that he or she intends to follow this procedure.

(4) Members Beginning and Completing a Term of Office: A member of a governing board or commission of a newly created agency who completes a term of office under this regulation and, within 30 days thereafter, begins a term of the same office or another such office

of the same jurisdiction, is not deemed to assume office or leave office for purposes of filing statements under this regulation.

(c) Where to file: Pursuant to subdivision (o) of Government Code section 87500 and 2 Cal. Code Regs. section 18730, subdivision (b)(4), members of governing boards or commissions of newly created agencies shall file the statements required under this regulation with their newly created agency or with the agency's code reviewing body, as provided by that code reviewing body.

(d) Effect Upon Initial Statement Required Under Government Code section 87302(b): An assuming office statement or annual statement filed under this section by a member of a governing board or commission of a newly created agency is deemed to satisfy the requirement at Government Code section 87302(b) that an initial statement be filed by that member within 30 days after the effective date of the new conflict of interest code applicable to that member.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87300-87302.6, Government Code.

HISTORY

1. New section filed 3-27-2003; operative 3-27-2003. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2003, No. 13).
2. Amendment of subsection (a)(3)(B) filed 10-26-2004; operative 11-25-2004 (Register 2004, No. 44).
3. Amendment of section and Note filed 9-27-2006; operative 10-27-2006. Submitted to OAL

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